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CHAPTER 21.04: ZONING DISTRICTS

21.04.010 GENERAL PROVISIONS

This chapter establishes the zoning districts and contains basic information pertaining to zoning districts, including statements of purpose and district-specific regulations. The following chapters 21.05 and 21.06 set forth the uses allowed within the districts and the dimensional standards applying to development in the districts, respectively.

A. Districts Established; Zoning Map

1. Zoning Districts Established

The following zoning districts are established:

District Type	Abbreviation	District Name
Residential Districts	R-1	Single-Family Residential
	R-2	Two-Family Residential
	R-3	Mixed Residential
	R-4	Multi-Family Residential
	R-5	Low-Density Residential with Mobile Homes
	R-6	Low-Density Residential (1 acre)
	R-7	Low-Density Residential (one-half acre)
	R-9	Low-Density Residential (2.5 acres)
	R-10	Low-Density Residential, Alpine/Slope
Commercial Districts	AC	Auto Commercial Corridor
	CBD-1	Central Business District, Core
	CBD-2	Central Business District, Intermediate
	CBD-3	Central Business District, Periphery
	MC	Marine Commercial
Mixed-Use Districts	O	Office
	RMX	Residential Mixed-Use
	NMU-1	Small-Scale Neighborhood Mixed-Use
	NMU-2	Neighborhood Mixed-Use
	CCMU	Community Commercial Mixed-Use
	RCMU	Regional Commercial Mixed-Use
Industrial Districts	MMU	Midtown Mixed-Use
	IC	Industrial / Commercial
	I-1	Light Industrial
	I-2	Heavy Industrial
	MI	Marine Industrial

**TABLE 21.04-1:
 ZONING DISTRICTS ESTABLISHED**

District Type	Abbreviation	District Name
Other Districts	AD	Airport Development
	AF	Antenna Farm
	OL	Open Lands
	PR	Parks and Recreation
	PLI	Public Lands and Institutions
	TA	Turnagain Arm
	W	Watershed
Overlay Zoning Districts	AHO	Airport Height Overlay
	NCO	Neighborhood Conservation Overlay
	FHO	Flood Hazard Overlay
Girdwood Districts	Girdwood Districts are set forth in chapter 21.09, <i>Girdwood</i> .	

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2. Zoning Map

The use districts are shown on the Official Zoning Map (See section 21.01.050). Procedures for amending the zoning map are in section 21.03.050, *Rezoning (Map Amendments)*.

B. Relationship to Overlay Districts

All lands within the Municipality shall be designated as one of the base zoning districts set forth in sections 21.04.020 through 21.04.060. In addition, some lands may be designated as one or more of the overlay districts set forth in section 21.04.070. Where the property is designated as an overlay district as well as a base zoning district, the regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying base district. In the event of an express conflict between the two sets of standards, the standards for the overlay district shall control.

21.04.020 RESIDENTIAL DISTRICTS¹

A. General Purpose/Intent

The residential zoning districts established in this section generally are intended to:

1. Provide appropriately located areas for residential development that are consistent with the Comprehensive Plan and with standards of public health and safety established by this Code;
2. Reserve areas for residential living that offer a broad range of lot sizes, dwelling types, densities, and housing choices, and that offer a range of living environments;

- 1 3. Conserve residential lands for housing by limiting conversion of the residential
2 land base to non-residential uses, and by encouraging residential
3 development to occur at or near zoned densities;
- 4 4. Allow for a variety of housing types that meet the diverse economic and social
5 needs of residents;
- 6 5. Protect the scale and character of existing residential neighborhoods and
7 community character;
- 8 6. Provide light, air, privacy, and open space for each residential dwelling, and
9 protect residents from the harmful effects of excessive noise, glare and light
10 pollution, traffic congestion, and other significant adverse environmental
11 effects;
- 12 7. Protect residential areas from commercial and industrial hazards such as
13 fires, explosions, and toxic fumes and substances;
- 14 8. Mitigate the risk to residential areas from natural hazards such as wildfires,
15 floods, avalanches, and geologic hazards;
- 16 9. Facilitate the provision of public services and facilities, such as schools,
17 parks, religious assembly, utility substations, and telecommunications
18 infrastructure, which are needed to accommodate planned population
19 densities; and
- 20 10. Minimize negative environmental impacts of development on stream
21 corridors, wetlands, and other important natural resources.

22 **B. R-1: Single-Family Residential District²**

- 23 1. **Purpose**
24 The R-1 district is intended primarily for single-family residential areas.
25 Certain types of uses, such as governmental, educational, religious, or
26 noncommercial recreational uses, may be allowed subject to restrictions
27 intended to preserve and protect the single-family residential character of the
28 district.

29 **C. R-2: Two-Family Residential District³**

- 30 1. **Purpose**
31 The R-2 district is intended primarily for single-family and two-family
32 residential areas. Certain types of uses, such as governmental, educational,
33 religious, or noncommercial recreational uses, may be allowed subject to
34 restrictions intended to preserve and protect the residential character of the
35 district.

36 **D. R-3: Mixed Residential District⁴**

- 37 1. **Purpose**
38 The R-3 district is intended primarily for mixed-density residential areas with a
39 variety of single-family, two-family, and multi-family dwelling uses with
40 medium densities. The R-3 district provides residential neighborhoods with a

1 greater diversity of housing by allowing a mix of both detached and a variety
2 of attached dwelling types in close proximity to each other, rather than
3 separated into different use districts. The R-3 district is often located in older
4 existing or redeveloping residential neighborhoods; existing structures may be
5 renovated or rehabilitated. Compatible building scale, appearance, and
6 relationship to the street is important in this district to integrate the mix of
7 building types into a neighborhood. Certain types of uses, such as
8 governmental, educational, religious, or noncommercial recreational uses,
9 may be allowed subject to restrictions intended to preserve and protect the
10 residential character of the district.

11 **2. District-Specific Standards**

12 **a. Number of Dwelling Units**

13 Multiple-family buildings may contain no more than eight dwelling
14 units.

15 **b. Incentive to Encourage Mix of Dwelling Types⁵**

16 The Assembly may grant a density bonus of up to 25 percent to the
17 underlying base zoning district density to any residential subdivision
18 plat or site plan containing a mix of housing types, provided the plat
19 or plan complies with the applicable zoning district restrictions on
20 permitted uses and with the following standards:

21 **i.** The plat or plan contains a minimum of two different housing
22 types. The following list of housing types shall be used to
23 satisfy this requirement:

24 **(A)** Single-family detached dwellings on lots of 8,000 square
25 feet or more;

26 **(B)** Single-family detached dwellings on lots of between
27 6,000 and 8,000 square feet;

28 **(C)** Two-family dwellings;

29 **(D)** Single-family attached dwellings or townhouses; and

30 **(E)** Multi-family dwellings (limited to eight units per building).

31 **ii.** A single housing type from the list set forth in subsection i.
32 above shall not constitute more than 75 percent of the total
33 number of dwelling units. If single-family detached dwellings
34 are the only housing types included in the mix, then the
35 difference between the average lot size for each type of
36 single-family detached dwelling shall be at least 2,500 square
37 feet.

38 **iii.** For site plans seeking to obtain a density bonus under this
39 subsection, the Director shall refer the site plan to the
40 Assembly for a decision on the award of the bonus only, with
41 the Director making the final decision on the site plan itself.

1 **E. R-4: Multi-Family Residential District⁶**

2 **1. Purpose**

3 The R-4 district is intended primarily for multiple-family dwelling uses with
4 medium to high residential densities. Certain types of uses, such as
5 governmental, educational, religious, or noncommercial recreational uses,
6 may be allowed subject to restrictions intended to preserve and protect the
7 residential character of the district. The maximum residential density for this
8 district is 30 dwelling units/acre.

9 **F. R-5: Low-Density Residential with Mobile Homes District⁷**

10 **1. Purpose**

11 The R-5 district is intended primarily for lands that are developing or will
12 develop for residential purposes and is designed to protect and conserve
13 areas with larger lots and low population densities. This district permits
14 mobile home dwellings on individual lots.

15 **G. R-6: Low-Density Residential (1 acre) District⁸**

16 **1. Purpose**

17 The R-6 district is intended primarily for those land areas where large lots or
18 acreage development is desirable. The R-6 district is designed to encourage
19 low-density residential development while at the same time protecting and
20 enhancing those physical and environmental features that add to the
21 desirability of large-lot residential living.

22 **H. R-7: Low-Density Residential (one-half acre) District⁹**

23 **1. Purpose**

24 The R-7 district is intended primarily to encourage low-density residential
25 development, and is intended for those land areas where large-lot
26 development is desirable as an adjunct to the more typical urban and
27 suburban residential zoning districts.

28 **I. R-9: Low-Density Residential (2.5 acres) District¹⁰**

29 **1. Purpose**

30 The R-9 district is intended primarily for low-density residential development
31 in areas where public sewers and water are unlikely to be provided for a
32 considerable period of time or where topographic or other natural conditions
33 are such that higher-density development and the provision of public sewers
34 and water would be unfeasible at any time. Where public facilities may be
35 provided in the distant future, the regulations are intended to ensure that
36 development during the interim period does not exceed geological and
37 hydrological capacities for safe and healthful maintenance of human
38 habitation.

39 **J. R-10: Low-Density Residential, Alpine/Slope District¹¹**

40 **1. Purpose**

41 The R-10 district is intended for use in those areas where natural physical
42 features and environmental factors such as slopes, alpine and forest
43 vegetation, soils, slope stability, and geologic hazards require unique and

- 1 creative design for development. Creative site design and site engineering
2 are essential to ensure that the development of these lands will:
- 3 a. Protect natural features such as ponds, streams, wetlands, and
4 forested areas, and incorporate such features into the development of
5 the site design;
 - 6 b. Take into consideration the topography and the location of all physical
7 improvements on the land;
 - 8 c. Avoid development of land within natural hazard areas to minimize
9 the possibility of loss of life and property damage;¹²
 - 10 d. Promote the natural flow and storage capacity of any watercourse, to
11 minimize the possibility of flooding or alteration of water boundaries;
 - 12 e. Consider the suitability of the soils and subsoils conditions for
13 excavations, site preparation, and on-site sewage disposal;
 - 14 f. Provide adequate site drainage to avoid erosion and to control the
15 surface runoff in compliance with the Federal Clean Water Act. The
16 surface runoff and drainage from developments should not exceed
17 the surface runoff and drainage in its natural undeveloped state for all
18 intensities and durations of surface runoff;
 - 19 g. Provide an adequate supply of potable water for the site
20 development; and
 - 21 h. Minimize the grading operations, including cut and fill, consistent with
22 the retention of the natural character of the site.
- 23 **2. District-Specific Standards**
- 24 a. ***Lot and Site Requirements***
25 Table 21.04-2 provides the lot and site requirements for the R-10
26 district.
- 27

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TABLE 21:04-2: LOT AND SITE REQUIREMENTS FOR R-10 DISTRICT ¹³					
Average Slope of Lot (percent)	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Maximum All Buildings (percent)	Coverage Impervious Surfaces (percent)	Maximum Units Per Acre
More than 30.00	7.50	300	3	8	0.133
25.01--30.00	5.00	300	5	10	0.20
20.01--25.00	2.50	180	8	14	0.40
20.00 or less	1.25	100	10	20	0.80

Average slope is calculated by the following formula:

$$S = \frac{I * L}{A} * 0.0023$$

Where;
 S = Average slope of lot or tract in percent
 I = Contour interval (20 feet or less)
 L = Sum of length of all contours on lot or tract in feet
 A = Area of the lot or tract in acres

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When one-third or more of required soils borings reveal bedrock at a depth of less than 16 feet on the lot or tract, lot and site requirements shall be determined as if the average slope were in the next steeper percentage range shown on the table in this paragraph. Any required soil boring that does not extend to a depth of at least 16 feet shall be deemed for the purposes of this subsection to have encountered bedrock.

10 **21.04.030 COMMERCIAL AND OFFICE DISTRICTS**

11 **A. General Purpose/Intent**

12 The commercial and office zoning districts established in this section generally are
 13 intended to:

- 14 1. Provide appropriately located areas consistent with the Comprehensive Plan
 15 for a full range of retail and service establishments and convenience and
 16 office uses needed by the Municipality's residents, businesses, and workers,
 17 and protect such uses from the adverse effects of incompatible uses;
- 18 2. Provide adequate space to meet the needs of commercial development;
- 19 3. Encourage the redevelopment, conversion, and reuse of underused
 20 commercial areas, and discourage new strip commercial development;
- 21 4. Minimize traffic congestion and avoid the overloading of public infrastructure
 22 and services;

- 1 5. Strengthen the Municipality’s economic base and provide employment
2 opportunities close to home for residents of the Municipality and surrounding
3 communities;
- 4 6. Provide for commercial land uses that meet the needs of and attract regional
5 and statewide populations, in addition to local residents;
- 6 7. Minimize negative impacts of commercial development on adjacent residential
7 districts;
- 8 8. Minimize negative environmental impacts of commercial development on
9 stream corridors, wetlands, and other important natural resources;
- 10 9. Ensure that the appearance of commercial buildings and uses are of high
11 quality and are compatible with the character of the area in which they are
12 located; and
- 13 10. Provide sites for public and semi-public uses such as utilities and
14 telecommunications infrastructure needed to complement commercial
15 development.

16 **B. AC: Auto Commercial Corridor District¹⁴**

- 17 1. **Purpose**
18 The AC district is intended primarily for uses that provide commercial goods
19 and services to residents of the community in areas that are dependent on
20 automobile access and exposed to heavy automobile traffic. These
21 commercial uses are subject to the public view and they should provide an
22 attractive appearance with landscaping, sufficient parking, and controlled
23 traffic movement. Environmental impacts should be minimized. Abutting
24 residential areas should be protected from potentially negative impacts
25 associated with commercial activity. While AC district areas shall continue to
26 meet the need for auto-related and other auto-oriented uses, it is the
27 Municipality’s intent that the AC district also shall provide for safe and
28 convenient personal mobility in other forms. Planning and design shall
29 accommodate pedestrians. This district is not intended for office or mixed-
30 use developments, which are intended to be located in the Office or Mixed-
31 Use districts.
- 32 2. **District Location Requirements**
33 Establishment of the AC district or changes to existing AC district boundaries
34 shall meet the general rezoning criteria of this Code and also shall meet the
35 following requirements:
 - 36 a. The AC District shall not be expanded along street corridors or into
37 surrounding neighborhoods unless consistent with an adopted plan.

38 **C. CBD-1: Central Business District, Core¹⁵**

- 39 1. **Purpose**
40 The CBD-1 district is intended to create a concentrated area of retail,
41 financial, public, and institutional facilities in the core of downtown Anchorage
42 in order to encourage the development of interrelated uses and functions,

1 reduce pedestrian walking distance between activities, and ensure the
2 development of pedestrian-oriented uses on the ground-floor level throughout
3 the district. The district permits and encourages residential uses.

4 **2. District-Specific Standards**

5 **a. *Restrictions on Ground-Floor Activities in CBD-1 District*¹⁶**

6 Each of the following non-retail uses or establishments that are
7 permitted, or permitted subject to a site plan review or conditional use
8 review, shall in the CBD-1 district be restricted to the second-floor
9 level of a building or above, or to below-ground, unless the use is set-
10 back on the ground floor from the street-facing building wall by 25 or
11 more feet, in order to allow more pedestrian-oriented uses to line the
12 street:

- 13 i. Dwelling, mixed-use or multifamily;
- 14 ii. Vocational or trade school;
- 15 iii. Club/lodge or meeting hall;
- 16 iv. Parking structure; and
- 17 v. Instructional services.

18 **b. *Bulk Regulations and Maximum Lot Coverage for CBD Districts*¹⁷**

19 Construction of buildings in the CBD districts above three stories in
20 height shall conform to the following bulk requirements:

21 **i. *Building Tower Design***

22 One tower not exceeding the bulk requirements listed in (A)
23 and (B) below shall be allowed for a development on a parcel
24 of land containing 13,000 square feet or a fraction thereof, or
25 one tower not exceeding the bulk requirements listed in (C)
26 and (D) below shall be allowed for a development on a parcel
27 of land containing 19,500 square feet. For a development on
28 a parcel of land containing more than 19,500 square feet, one
29 additional tower not exceeding the bulk requirements listed in
30 (A) and (B) below shall be allowed for every additional 13,000
31 square feet of land area, or, alternatively, one additional
32 tower not exceeding the bulk requirements listed in (C) and
33 (D) below shall be allowed for every additional 19,500 square
34 feet of land area.

35 **(A)** Maximum plan dimension: 130 feet.

36 **(B)** Maximum diagonal plan dimension: 150 feet.

37 **(C)** Maximum plan dimension: 130 feet.

38 **(D)** Maximum diagonal plan dimension: 180 feet.

39 Variances from the specific bulk requirement dimensions
40 listed in this subsection may be granted by the Planning and

1 Zoning Commission on developments covering a land area of
2 more than 26,000 square feet, provided that the Commission
3 finds that the spirit and intent of the central business districts
4 are maintained.

5 ii. *Alternative Structure Designs*

6 Alternative building designs may be submitted in the form of a
7 project development plan to the Director for approval.
8 Alternative design forms may be approved that provide for at
9 least 15 percent more access either to scenic views of
10 adjoining mountains and the Cook Inlet or for solar access¹⁸
11 as compared to designs allowed under subsection i., above,
12 *Building Tower Design*. The percentage amount of additional
13 scenic or solar access shall be based on total building volume
14 of the alternative design compared to a representative tower
15 design. Alternative plans submitted under this subsection
16 must include a schematic of a project designed under
17 subsection i, *Building Tower Design*, plus a site development
18 plan of the design utilizing the provisions of this subsection ii.
19 and calculations to establish the increased scenic or solar
20 access required in this subsection ii. Designs using the
21 provisions of this paragraph are allowed an additional one
22 story of base height prior to the use of the bonus point
23 requirements of subsection c. below, *Height Exceptions for*
24 *CBD Districts*.

25 iii. *Existing Structures*

26 Notwithstanding the bulk regulations and maximum lot
27 coverage limitations contained in chapter 21.06, and the
28 requirements of this subsection b., where a lawful structure
29 existed on September 9, 1974, that is pre-stressed for
30 enlargement by the addition of one or more stories, such
31 structure may be enlarged within the full plan dimensions of
32 the existing structure by the addition of not more than two
33 stories.

34 c. *Maximum Height of Structures in CBD Districts*¹⁹

35 i. Notwithstanding subsections ii. and iii. below, the maximum
36 height of a structure shall not exceed that permitted under
37 section 21.04.070.C., *Airport Height Overlay District*.

38 ii. Subject to subsection iii. below, no building or structure shall
39 exceed the maximum building height specified in chapter
40 21.06.

41 iii. Building floor area may be constructed above the maximum
42 building height specified in chapter 21.06 by earning bonus
43 points for site and design amenities under a site development
44 plan approved by the Department as specified in Table 21.04-
45 3., provided:

46 (A) Each bonus point permits an additional 400 square feet
47 of floorspace.

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- (B) All new development must accumulate a minimum of one bonus point for each 1,600 square feet of site area to be approved. Only urban design amenities related to pedestrians and landscaping of those features designated "streetscape" in Table 21.04-3 may be used to fulfill this requirement.
- (C) No more than one bonus point per each 200 square feet of site can be accumulated for any single amenity option. Bonus points can be obtained by combining any of the options provided in Table 21.04-3.
- (D) At least 25 percent of all bonus points required for floorspace must be accumulated from amenities designated "streetscape." This amount can include bonus points earned under subsection (B) above.

TABLE 21.04-3: DESIGN AMENITIES AND BONUS POINTS FOR CBD DISTRICTS			
Urban Design Amenity (*Streetscape Amenity)	Bonus Points for Districts		
	CBD-1	CBD-2	CBD-3
Street trees*	1 point per tree	1 point per tree	1 point per tree
Seating units, street furniture*	1 point per 2 units (maximum of 6 points)	1 point per 2 units (maximum of 6 points each)	1 point per 2 units (maximum of 6 points each)
Decorative street illumination*	2 points per 1 unit	2 points per 1 unit	2 points per 1 unit
Sidewalks*	1 point per 300 sq. ft.	1 point per 300 sq. ft.	1 point per 400 sq. ft.
Sidewalk texture*	1 point per 200 sq. ft.	1 point per 250 sq. ft.	1 point per 300 sq. ft.
Bike racks, open*	1 point per 3 open storage units (maximum accumulation of 3 points)	1 point per 3 open storage units (maximum accumulation of 3 points)	1 point per 3 open storage units (maximum accumulation of 3 points)
Bike racks, covered*	1 point per covered storage unit (maximum accumulation of 3 points)	1 point per covered storage unit (maximum accumulation of 3 points)	1 point per covered storage unit (maximum accumulation of 3 points)
Kiosk*	1 point per unit (maximum accumulation of 3 points)	1 point per unit (maximum accumulation of 3 points)	1 point per unit (maximum accumulation of 3 points)
Canopy over sidewalk*	1 point per 200 sq. ft.	1 point per 240 sq. ft.	1 point per 290 sq. ft.
Covered arcade*	1 point per 100 sq. ft.	1 point per 115 sq. ft.	1 point per 180 sq. ft.
Open air plaza, or landscaped park*	1 point per 70 sq. ft. (corner); 1 point per 80 sq. ft. (other)	1 point per 70 sq. ft. (corner); 1 point per 80 sq. ft. (other)	1 point per 100 sq. ft. (corner); 1 point per 115 sq. ft. (other)
Public restrooms at ground level	1 point per 35 sq. ft.	1 point per 35 sq. ft.	1 point per 100 sq. ft.

**TABLE 21.04-3:
 DESIGN AMENITIES AND BONUS POINTS FOR CBD DISTRICTS**

Urban Design Amenity (*Streetscape Amenity)	Bonus Points for Districts		
	CBD-1	CBD-2	CBD-3
Climate-controlled public plaza or court (galleria)*	1 point per 50 sq. ft.	1 point per 70 sq. ft.	1 point per 100 sq. ft.
Shops (50 percent or more transparent windows on ground floor street front*)	1 point per 100 sq. ft.	1 point per 130 sq. ft.	1 point per 200 sq. ft.
Shops (Less than 50 percent transparent windows on ground floor street front)	1 point per 140 sq. ft.	1 point per 225 sq. ft.	1 point per 160 sq. ft.
Shops (Second floor shops)	1 point per 140 sq. ft.	1 point per 225 sq. ft.	1 point per 160 sq. ft.
Shops (Third floor or basement level)	1 point per 350 sq. ft.	N/A	N/A
Commercial theater	1 point per 200 sq. ft.	N/A	N/A
Public rooftop recreation area or public viewing deck	1 point per 100 sq. ft.	1 point per 100 sq. ft.	1 point per 200 sq. ft.
Housing	1 point per 140 sq. ft. of area devoted to housing	1 point per 80 sq. ft. of area devoted to housing	1 point per 80 sq. ft. of area devoted to housing
Hotels	1 point per 200 sq. ft. of area devoted to hotel rooms	1 point per 200 sq. ft. of area devoted to hotel rooms	1 point per 300 sq. ft. of area devoted to hotel rooms
Enclosed parking	N/A	11 points per space above or on grade; 13 points per space below grade	10 points per space above or on grade; 14 points per space below grade
Transit amenities	3 points per covered shelter; 10 points per bus pull-out	3 points per covered shelter; 10 points per bus pull-out	3 points per covered shelter; 10 points per bus pull-out
Historic preservation	1 point per 200 sq. ft. of area devoted to a retained historic structure	1 point per 200 sq. ft.	1 point per 200 sq. ft.
Sidewalk landscaping* (not otherwise credited)	1 point per 425 sq. ft. (public land); 1 point per 30 sq. ft. (private land)	1 point per 425 sq. ft. (public land); 1 point per 30 sq. ft. (private land)	1 point per 425 sq. ft. (public land); 1 point per 30 sq. ft. (private land)
Skywalks ²⁰	10 points per skywalk	10 points per skywalk	10 points per skywalk
Day care, 24-hour child care facilities	1 point per 200 sq. ft.	1 point per 200 sq. ft.	1 point per 200 sq. ft.

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- iv. Amenities for which bonus points have been granted must be maintained after construction of a project; provided, however, that amenities can be eliminated and others substituted on a point-for-point basis upon the approval of Department staff.
- v. Maximum height near Town Square Park is as follows:

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(A) The maximum height of structures in Blocks 69 through 71, Anchorage Original Townsite, shall not exceed the following:

- (1) *Block 69*
 - Northwest quarter: 115 feet.
 - Northeast quarter: 85 feet.
 - South half: 200 feet.
- (2) *Block 70*
 - North half: 55 feet.
 - South half: 230 feet.
- (3) *Block 71*
 - Northwest quarter: 85 feet.
 - Northeast quarter: 115 feet.
 - South half: 200 feet.

(B) The Director may waive this height limit for a structure that will not cast a shadow greater than that cast by existing structures on the Town Square Park on Block 51, Anchorage Original Townsite, from April 21 to August 21 between the hours of 9:00 a.m. and 3:00 p.m., solar time.

(C) Subject to the maximum height requirements of the Airport Height Overlay District, at the request of the owner of a lot in Blocks 69 through 71, Anchorage Original Townsite, the right to construct the amount of building square footage permitted on that lot under subsections i. through iii. above, less the amount allowed under this subsection v., may be added to the amount allowed under this title on one or more lots not in those blocks located in the CBD-1, CBD-2, or CBD-3 district. The extent of additional footage available under this provision shall be calculated by the Director, and a letter stating the transfer shall be recorded against the property.²¹

vi. Structures in excess of three stories shall be allowed additional buildable area for that portion of the required sidewalk within private property between the structure setback line determined by section 21.06.020.A.7., *Setbacks from Projected Rights-of-Way*, and a sidewalk width of 11.5 feet. This additional area shall be calculated by multiplying the lineal feet of sidewalk affected by this subsection by 33 feet. This additional area can be included as part of the maximum building height allowed in the Airport Height Overlay District.

1 **D. CBD-2: Central Business District, Intermediate**

2 **1. Purpose**

3 The CBD-2 district is intended to create financial, office, and hotel areas
4 surrounding the predominately retail, public, and institutional core of the
5 central business district. The district permits and encourages high-density
6 residential uses.

7 **2. District-Specific Standards**

8 Development in the CBD-2 District shall comply with the requirements set
9 forth in subsection C.2.b. above, *Bulk Regulations and Maximum Lot*
10 *Coverage for CBD Districts*, and C.2.c. above, *Maximum Height of Structures*
11 *in CBD Districts*.

12 **E. CBD-3: Central Business District, Periphery**

13 **1. Purpose**

14 The CBD-3 district is intended to create financial, office, and hotel areas at
15 the periphery of the central business district. The district also permits
16 secondary retail uses. The height limitations in this district are intended to
17 help preserve views and to conform structures to the geologic characteristics
18 of the western and northern boundaries of the district. The district permits
19 and encourages residential uses.

20 **2. District-Specific Standards**

21 Development in the CBD-3 District shall comply with the requirements set
22 forth in subsection C.2.b. above, *Bulk Regulations and Maximum Lot*
23 *Coverage for CBD Districts*, and C.2.c. above, *Maximum Height of Structures*
24 *in CBD Districts*.

25 **F. MC: Marine Commercial District²²**

26 **1. Purpose**

27 The MC district is intended primarily for water-dependent and water-related
28 commercial uses. Emphasis is on development flexibility for water-dependent
29 and water-related commercial uses and on public access to the waterfront
30 and Ship Creek.

31 **2. District-Specific Standards**

32 a. Food and beverage establishments shall provide direct visual or
33 physical public access to the waterfront.

34 b. Buildings shall include special design considerations that enhance the
35 relationship between the shoreline and the proposed site
36 development.

37 **G. O: Office District²³**

38 **1. Purpose**

39 The Office district is intended to provide areas for professional, business, and
40 medical service (outpatient) office uses, along with a limited amount of
41 compatible multi-family residential development. The district provides for
42 small- to medium-sized office buildings, often in transition locations between
43 residential areas and more intense commercial uses and road traffic, or in

1 commercial locations inappropriate for auto-oriented retail uses or intense
2 mixed-uses.

3 **2. District-Specific Standards**

4 **a. Limitations on Retail Uses**

5 Any uses categorized by this Code as “retail (sales),” “retail (personal
6 services),” or “food and beverage service” may be located in the
7 Office district only within a building that also contains office and/or
8 residential uses. Such retail uses shall be limited to 30 percent of the
9 gross floor area of the building. No outdoor storage or merchandise
10 display is allowed.

11 **b. Limitations on Visitor Accommodations**

12 Any uses categorized by this Code as “visitor accommodation” shall
13 comply with the multi-family residential design standards set forth in
14 section 21.07.100.F. and G.

15 **c. Minimum Residential Density**

16 Any multiple-family residential uses in the Office district shall have a
17 minimum density of at least 18 units/acre, when such uses are the
18 primary use on a lot.

19 **3. District Location Requirements**

20 In addition to the general rezoning approval criteria, the following
21 requirements shall apply to the creation or expansion of the Office district:

22 **a.** New Office zones shall be located in areas optimal for low-intensity
23 office use, or in locations that can buffer low-density residential
24 neighborhoods from heavy volumes of traffic or more intense
25 commercial retail activity.

26 **b.** The Office district shall not be located in or expand into residential
27 areas that are designated by adopted plan for minimum housing
28 density or that are intended to retain historically predominant
29 residential use or single-family character.

30 **21.04.040 MIXED-USE DISTRICTS²⁴**

31 **A. General Purpose/Intent**

32 The mixed-use districts are intended to provide for and encourage development and
33 redevelopment that contains a mix of residential and nonresidential uses within close
34 proximity, rather than a separation of uses, in accordance with the Comprehensive
35 Plan. The mixed-use districts define the uses of land and the siting and character of
36 the improvements and structures allowed on the land in a manner that allows a
37 balanced mix of uses. A key feature of all the mixed-use districts is a pedestrian-
38 friendly network of streets and sidewalks connecting the nonresidential uses,
39 residential neighborhoods, and transit facilities. The mixed-use districts specifically
40 are intended to:

41 **1.** Concentrate higher-density residential development and commercial and
42 office employment efficiently in and around major employment centers, town
43 centers, and other designated centers of community activity;

- 1 2. Encourage mixed-use and higher-density redevelopment, conversion, and
2 reuse of aging and underutilized areas, and increase the efficient use of
3 available commercial land in the Municipality;
- 4 3. Contain a transportation system network designed to ensure that residential
5 areas will have direct access to adjacent non-residential portions of the
6 proposed development/redevelopment, in lieu of entering and exiting through
7 thoroughfares and/or collector streets;
- 8 4. Create compact and pedestrian-oriented environments that encourage transit
9 use and pedestrian access;
- 10 5. Concentrate a variety of commercial retail/services and public facilities that
11 serve the surrounding community;
- 12 6. Ensure that the appearance and function of development in mixed-use areas
13 is well-integrated with surrounding neighborhoods;
- 14 7. Ensure that development in mixed-use areas is of high quality and provides
15 pedestrian scale and interest through use of varied forms, materials, details,
16 and colors, especially at the ground-floor and lower levels;
- 17 8. Provide for phased development of the project area so as to promote long
18 term quality;
- 19 9. Provide adequate light, air, privacy, and open space for each residential
20 dwelling, and protect residents from the harmful effects of excessive noise,
21 glare and light pollution, traffic congestion, and other significant adverse
22 environmental effects; and
- 23 10. Minimize negative impacts of development on stream corridors, wetlands, and
24 other important natural resources.

25 **B. RMX: Residential Mixed-Use District**

- 26 1. **Purpose**
27 The RMX district is intended to facilitate the development of higher-density
28 residential development surrounding the CCMU, RCMU, and MMU districts.
29 The RMX area contains primarily medium- to higher-density residential
30 development, though it also may contain some limited small-scale
31 commercial, institutional, recreational, and service facilities needed to support
32 residential development. Development in the RMX district should facilitate
33 and encourage pedestrian travel between residential and nonresidential uses.
34 This residential district is often adjacent and incidental to a mixed-use core of
35 a town center, neighborhood commercial center, or other type of mixed-use or
36 major employment center designated in the Comprehensive Plan.
- 37 2. **District-Specific Standards**
 - 38 a. ***Mixed-Use Development Standards***
39 Development in the RMX district shall comply with section
40 21.04.050.H., *Mixed-Use District Development Standards*.

- 1 **b. *Neighborhood Scale and Intensity of Uses and Activities***
 2 Non-residential uses in the RMX district shall comply with the
 3 following gross floor area restrictions:

TABLE 21.04-4: GROSS FLOOR AREA LIMITATIONS IN THE RMX DISTRICT	
Use	Gross Floor Area Limit^{2b}
- Convenience store - General retail	3,000 sq. ft. maximum
- Financial institution	3,000 sq. ft maximum, provided that the majority area of such use provides retail services
- Animal grooming service or pet shop - Restaurant	2,500 sq. ft. maximum per use
- Offices - Retail (personal service)	1,500 sq. ft. maximum per use
- Extended-stay lodgings or inn - Grocery or food store	5,000 sq. ft. maximum

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 5 **3. District Location Requirement**

6 The subject property shall be in an area designated for medium or high
 7 intensity residential use, and adjacent to a designated community commercial
 8 mixed-use center, regional commercial center, or Downtown/Midtown major
 9 employment center, on the Land Use Plan Map or an adopted district or
 10 neighborhood plan.

11 **C. NMU-1: Small-Scale Neighborhood Mixed-Use District²⁶**

12 **1. Purpose**

13 The NMU-1 district is intended for small, compact commercial centers within
 14 or surrounded by residential areas, compatible in scale and character with
 15 surrounding residential uses, to serve the convenience needs of the
 16 immediately surrounding neighborhood. NMU-1 centers are between one-half
 17 and four acres in size. Small-scale offices, retail, and upper-story residential
 18 uses are allowed. Continuous retail frontages, largely uninterrupted by
 19 driveways and parking, are encouraged. Gross floor area limitations help
 20 ensure that businesses are consistent with the scale of the surrounding area.

21 **2. District-Specific Standards**

22 **a. Mixed-Use Development Standards**

23 Development in the NMU-1 district shall comply with section
 24 21.04.050.H., *Mixed-Use District Development Standards*.

25 **b. Ground-Floor**

26 The ground-floor level of all buildings in the NMU-1 district shall be
 27 limited to retail uses, with the exception of small lobbies to allow
 28 access to residential and office uses on upper floors.

29 **c. Drive-Throughs Prohibited**

30 No drive-throughs shall be allowed in the NMU-1 district.

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d. Gross Floor Area Limitations

The uses listed in the table below shall be allowed in the NMU-1 district subject to the listed gross floor area restrictions. Individual businesses not specified in the table below but allowed in the NMU-1 District pursuant to the use tables in chapter 21.05 shall be permitted to occupy up to a maximum of 10,000 square feet of gross floor area on development sites that have a floor area ratio (FAR) of at least 0.65, or a maximum of 5,000 square feet of gross floor area on sites that have a FAR of less than 0.65.

TABLE 21.04-5: GROSS FLOOR AREA LIMITATIONS IN THE NMU-1 DISTRICT	
Use	Gross Floor Area Limit ²⁷
- Convenience store - General retail	3,000 sq. ft. maximum, provided that such establishment has a floor area ratio (FAR) of at least 0.5, and does not exceed 35% of the NMU district
- Financial institution	3,000 sq. ft maximum, provided that the majority floor area of such establishment provides retail services.
- Animal grooming service - Governmental office - Office, business or professional - Pet shop - Restaurant - Retail (personal services)	1,500 sq. ft. maximum per establishment
-Farmers market	10,000 sq. ft. maximum if indoors; total development site size of no greater than 20,000 square feet.
-Grocery or food store	20,000 sq. ft. maximum, provided that such establishment has a floor area ratio (FAR) of at least 0.5, and does not exceed 50% of the NMU district

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3. District Location Requirements

In addition to the general rezoning criteria, the following requirements shall apply in the creation or expansion of the NMU-1 district:

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- a. New NMU-1 districts larger than 1.5 acres shall be located on an arterial or collector street, and existing NMU-1 districts shall not be enlarged unless the site abuts an arterial or collector street.
- b. No NMU-1 district shall be larger than four acres.
- c. The subject property shall be in an area intended primarily for neighborhood-scale commercial mixed-use center on the Land Use Plan Map or an adopted district or neighborhood plan.

D. NMU-2: Neighborhood Mixed-Use District²⁸

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1. Purpose

The NMU-2 district is intended for neighborhood retail service centers at a larger scale than allowed by the NMU-1 district. NMU-2 centers are generally between four and 30 acres in size. The NMU-2 district should contain primarily commercial uses that serve the daily needs of nearby neighborhoods (e.g., small grocery/convenience store, drug store, religious assembly, service station) located in close proximity to one another. Multi-family residential and limited office uses also are allowed. Siting and

1 architectural design and scale of structures in this district should be
2 compatible with surrounding neighborhoods. The NMU-2 district may be used
3 for commercial retail segments of linear transit-supportive development
4 corridors, in addition to nodal centers. The NMU-2 district may be used for
5 the “neighborhood commercial centers” identified in the *Anchorage 2020*
6 *Anchorage Bowl Comprehensive Plan*.

7 **2. District-Specific Standards**

8 **a. Mixed-Use Development Standards**

9 Development in the NMU-2 district shall comply with section
10 21.04.050.H., *Mixed-Use District Development Standards*.

11 **b. District Location Requirements**

12 In addition to meeting the general rezoning criteria, the following
13 requirements apply in the establishment or enlargement of NMU-2
14 districts:

15 i. New NMU-2 areas and NMU-2 districts proposed for
16 expansion shall be located within one to two miles of a
17 residential population of at least 10,000 people, and at the
18 intersection of two arterials or an arterial and a collector
19 street.

20 ii. The NMU-2 district shall not be extended along street
21 corridors or into adjacent residentially zoned areas unless
22 consistent with an adopted plan.

23 iii. The subject property shall be in an area intended for
24 neighborhood scale commercial mixed-use center, or transit-
25 oriented development corridor on the Land Use Plan Map or
26 an adopted district or neighborhood plan.

27 **E. CCMU: Community Commercial Mixed-Use District²⁹**

28 **1. Purpose**

29 The CCMU district is intended to facilitate the development of a mixed-use
30 center at the community scale. Communities are generally made up of three
31 to five neighborhoods. Community centers are intended to be generally one-
32 quarter to one-half mile in diameter and located approximately two to four
33 miles apart. The CCMU area is intended to include commercial, institutional,
34 recreational, and service facilities needed to support the surrounding
35 neighborhoods (e.g., large supermarket, large drug store, specialty shops,
36 and community park). Medium- to higher-density housing should be located
37 around the district, and development should facilitate pedestrian connections
38 between residential and nonresidential uses. The CCMU district may be used
39 for commercial retail segments of linear transit-supportive development
40 corridors, in addition to nodal centers. The CCMU district may be used for the
41 “town centers” and the “redevelopment/mixed-use areas” identified in the
42 *Anchorage 2020 Anchorage Bowl Comprehensive Plan*.

43 **2. District-Specific Standards**

44 Development in the CCMU district shall comply with section 21.04.050.H.,
45 *Mixed-Use District Development Standards*.

- 1 **3. District Location Requirement**
2 The subject property shall be in an area intended for community-scale
3 commercial mixed-use center or transit-oriented development corridor on the
4 Land Use Plan Map or an adopted district or neighborhood plan.
- 5 **F. RCMU: Regional Commercial Mixed-Use District³⁰**
- 6 **1. Purpose**
7 The RCMU district is intended to facilitate the development of a mixed-use
8 center at the regional scale. A region is a collection of adjacent communities.
9 The district should provide commercial, office, institutional, and residential
10 uses and structures at higher intensities than surrounding areas. The area
11 should contain concentrations of medium- to high-density office development,
12 with employment densities of 50 employees per acre or more. The area also
13 should contain a broad mix of complementary uses, which may include major
14 civic and public facilities and parks. The district should contain or be
15 surrounded by high-density housing, and development should facilitate and
16 encourage pedestrian travel between residential and nonresidential uses.
- 17 **2. District-Specific Standards**
18 Development in the RCMU district shall comply with section 21.04.050.H.,
19 *Mixed-Use District Development Standards.*
- 20 **3. District Location Requirement**
21 The subject property shall be in an area intended for regional-scale
22 commercial mixed-use center on the Land Use Plan Map or an adopted
23 district or neighborhood plan.
- 24 **G. MMU: Midtown Mixed-Use District³¹**
- 25 **1. Purpose**
26 The MMU district is intended to facilitate the development of a high-intensity
27 mix of uses in the Midtown area, which is the area of the highest employment
28 densities and tallest building heights outside of the downtown. The MMU
29 district should provide commercial, office, institutional, and residential uses
30 and structures at higher intensities than surrounding areas. The area should
31 have employment densities of at least 50 employees per acre. The area also
32 should contain a broad mix of complementary uses, which may include major
33 civic and public facilities and parks. The district should contain or be
34 surrounded by high-density housing, and development should facilitate and
35 encourage pedestrian travel between residential and nonresidential uses.
36 Transit and pedestrian facilities are important components of development in
37 the district, in order to reduce demand for auto travel as well as increase
38 visual interest.
- 39 **2. District-Specific Standards**
40 Development in the MMU district shall comply with section 21.04.050.H.,
41 *Mixed-Use District Development Standards.*
- 42 **3. District Location Requirement**
43 The MMU district may only be applied in the Midtown area.

1 **H. Mixed-Use District Development Standards³²**

2 **1. Applicability**

3 All development in the RMX, NMU-1, NMU-2, CCMU, RCMU, and MMU
4 districts shall comply with the appropriate development standards in chapter
5 21.07, and also the standards in this subsection 21.04.050.H. When the
6 standards of this subsection and section 21.07.110 are in conflict, the
7 standards of this subsection shall control.

8 **2. FAR Incentives**

9 In the NMU-1, NMU-2, and CCMU districts, the following incentives apply and
10 may be earned cumulatively:

11 **a. Incentive for Additional Residential Development**

12 An additional 0.07 FAR may be obtained beyond the maximum
13 allowed by section 21.06.010.C. if the additional 0.07 FAR is
14 residential, and 50 percent or more of the gross floor area of the
15 development project is residential.

16 **b. Incentive for Additional Private Usable Open Space**

17 An additional 0.02 FAR may be obtained beyond the maximum
18 allowed by section 21.06.010.C. if the additional 0.02 FAR is
19 residential, and the majority of residential dwellings in the
20 development project each have at least 72 square feet of private
21 usable open space.

22 **3. Mix and Intensity of Land Uses and Activities**

23 **a. Purpose**

24 The purpose of this section is to help integrate public/institutional,
25 residential, and commercial activities around the same shared public
26 streets and spaces. All uses should be located and convenient to
27 each other by walking. People who work, shop, and live in the
28 different buildings share the same public sidewalks and spaces.

29 **b. Public Focus Areas³³**

30 Any mixed-use development that is one gross acre or larger shall
31 include a public focus area such as a public/institutional use, plaza,
32 public space, or town square. The purpose of such an area is to
33 encourage the presence of civic or institutional uses, such as a public
34 library; to promote mixed-use areas as centers of community activity;
35 and to attract greater pedestrian traffic and activity to mixed-use
36 areas.

37 **4. Reduced Parking Ratios**

38 Development in the mixed-use districts shall only be required to provide 95%
39 of the off-street parking required in section 21.07.090, *Off-Street Parking and*
40 *Loading*.

41 **5. Building Placement and Orientation**

42 **a. Placement, Orientation, and Openness to the Sidewalk**

43 **i. Purpose**

44 Building frontages should be built and oriented to the street,
45 lining sidewalks and public spaces with frequent shops,

entrances, windows with interior views, and articulated ground-level façades. Comfortable, human-scale transition spaces such as entrance areas, patios, or café seating may be placed between the building and public sidewalk, as long as the building remains close, accessible, and inviting from the sidewalk.

ii. *Building Placement and Street Setbacks*
 Buildings shall be built to or close to the public sidewalk, using the setbacks required in subsection 21.06.010.C., *Table of Dimensional Standards: Mixed Use and Other Districts*.

iii. *Building Entrances*
 All buildings shall have at least one primary resident, public, or customer entrance oriented toward an abutting street that is not separated from the building by on-site parking. If the building is within a large development site and not located on the street, then the entrance shall orient toward an on-site pedestrian walkway connected to a public sidewalk.

6. **Pedestrian Amenities³⁴**

a. ***Pedestrian Amenities Required***

All new developments or redevelopments to existing buildings in the mixed-use districts shall provide pedestrian amenities, as specified in this subsection. Where a pedestrian amenity required by this section also satisfies the in-lieu option in section 21.07.030B.3, the amenity may count for both. The number of pedestrian amenities provided shall comply with the following sliding scale.

TABLE 21.04-6: PEDESTRIAN AMENITIES	
Size of Development or Redevelopment (Building Square Footage)	Number of Amenities
Less than 5,000 sq. ft.	1
5,000 – 10,000 sq. ft.	2
10,000 – 50,000 sq. ft.	3
Greater than 50,000 sq. ft.	4

b. ***Acceptable Pedestrian Amenities***

Acceptable pedestrian amenities include, but are not limited to:

i. Sidewalks that are at least 50 percent wider than required by this title, incorporating paving treatments, including but not limited to concrete masonry unit pavers, brick, or stone.

ii. A public outdoor seating plaza adjacent to or visible and accessible from the street, with a minimum useable area of 300 square feet.

iii. Sidewalk planters between sidewalk and building.

1 7. Minimize negative environmental impacts of industrial development on stream
2 corridors, wetlands, and other important natural resources; and

3 8. Ensure that the appearance of industrial buildings and uses are of high quality
4 and are compatible with the character of the area in which they are located.

5 **B. IC: Industrial / Commercial District³⁵**

6 1. **Purpose**

7 The IC district is intended to provide linked commercial and industrial
8 activities that are supportive of industrial function and are compatible with
9 surrounding industrial use areas. Uses may include limited offices, wholesale
10 and business service establishments, campus-style industrial parks, and
11 limited retail/personal service storefronts. These areas are predominantly
12 industrial, not commercial, in character.

13 2. **District-Specific Standards**

14 To maintain the predominantly industrial character of this district, each
15 individual commercial use in the IC district shall be limited to not more than
16 7,500 square feet in size, and no more than three commercial uses shall be
17 located within any one building.

18 **C. I-1: Light Industrial District³⁶**

19 1. **Purpose**

20 The I-1 district is intended primarily for public and private light manufacturing,
21 processing, service, storage, wholesale, and distribution operations.

22 **D. I-2: Heavy Industrial District³⁷**

23 1. **Purpose**

24 The I-2 district is intended primarily for public and private heavy
25 manufacturing, storage, major freight terminals, waste and salvage, resource
26 extraction, and other related uses.

27 **E. MI: Marine Industrial District³⁸**

28 1. **Purpose**

29 The MI district is intended primarily for a mix of marine commercial and
30 industrial manufacturing, processing, storage, wholesale, and distribution
31 operations that are water-dependent and/or water-related.

32 2. **District-Specific Standards**

33 Buildings shall include special design considerations that enhance the
34 relationship between the shoreline and the proposed site development.

35 **21.04.060 OTHER DISTRICTS**

36 **A. AD: Airport Development District³⁹**

37 1. **Purpose**

38 The AD district includes all lands and water areas owned by the Ted Stevens
39 Anchorage International Airport, Merrill Field Airport, and Birchwood Airport.

- 1 2. **District-Specific Standards**
2 [RESERVED] (still discussing with airports)
- 3 B. **AF: Antenna Farm District⁴⁰**
- 4 1. **Purpose**
5 The AF district is intended to create areas dedicated to the erection and
6 maintenance of communication equipment at reasonable cost and to
7 encourage the concentration of such equipment in a few sites throughout the
8 Municipality.
- 9 C. **OL: Open Lands District⁴¹**
- 10 1. **Purpose**
11 The OL district is applied to lands intended for future development, including
12 undesigned municipally owned lands. Large-lot single-family residential
13 development is allowed by right, though rezoning and/or master planning shall
14 occur prior to other types of development.
- 15 D. **PLI: Public Lands and Institutions District⁴²**
- 16 1. **Purpose**
17 The PLI district is intended to include major public and quasi-public civic,
18 administrative, and institutional uses and activities.
- 19 E. **PR: Parks and Recreation District⁴³**
- 20 1. **Purpose**
21 The PR district is intended to include public lands and open space designated
22 by the Assembly as parks. The land uses within these parks are governed by
23 the current adopted Parks Plan and associated maps for that area of the
24 Municipality, and any existing master plans for individual parks.
- 25 F. **TA: Turnagain Arm District⁴⁴**
- 26 1. **Purpose**
27 The TA district is intended to govern the land uses for that area known as
28 Turnagain Arm south of Potter Marsh, including but not limited to Rainbow,
29 Indian, Bird Creek, and Portage. Areas within Girdwood are not included in
30 the TA district and are covered by chapter 21.09, *Girdwood*. The permitted
31 uses and densities within the TA district are to conform to the policies, land
32 use patterns, and residential densities of the adopted Turnagain Arm
33 Comprehensive Plan. This district is structured to integrate flexible site
34 design with protection of unique scenic and environmental features, and to
35 provide control over the major secondary impacts of development. The TA
36 district regulations employ the conditional use process to provide review for
37 major development activities. By providing a public review process and by
38 requiring submission of detailed site plans, greater compatibility between the
39 proposed uses and adjacent existing uses can be obtained.
- 40 2. **District-Specific Standards**
41 a. ***Additional Conditional Uses Allowed***
42 In addition to the uses allowed in the TA district in accordance with
43 Table 21.05-2, *Table of Allowed Uses – Commercial, Industrial,*

1 *Mixed-Use, and Other Districts*, the following uses may be allowed
2 through the issuance of a conditional use permit subject to the
3 requirements of section 21.03.070, *Conditional Uses*:

- 4 i. *Multi-Family Dwellings*
5 Multi-family dwellings that are four-plex or greater in density.
- 6 ii. *Commercial Uses*⁴⁵
7 (A) Commercial structures of more than 2,000 square
8 feet in gross building area in areas designated
9 "residential-commercial" on the Turnagain Arm
10 Comprehensive Plan.
- 11 (B) Commercial structures of more than 4,000 square
12 feet in gross building area in areas designated
13 "commercial" on the Turnagain Arm Comprehensive
14 Plan.
- 15 (C) Uses occupying an area of more than 14,400 square
16 feet in those areas designated as "commercial" or
17 "residential-commercial" on the Turnagain Arm
18 Comprehensive Plan.
- 19 iii. *Institutional Uses*
20 Any institutional use located in any area, so long as the use is
21 permitted in the PLI district.
- 22 iv. *Industrial Uses*
23 Industrial uses located within any area not designated as
24 "industrial" on the Turnagain Arm Comprehensive Plan;
25 (industrial uses located with areas so designated shall be
26 permitted).

27 **G. W: Watershed District**⁴⁶

28 **1. Purpose**

29 The W district is intended to preserve and protect the potable water reserves
30 available to the Municipality in the Chugach Range. The major responsibility
31 in the management of watershed areas is the control of factors that may
32 contaminate or pollute the water. Agricultural, residential, commercial,
33 industrial, or other land uses, including infrastructure and utilities, are
34 incompatible with the concept of watershed conservation.

35 **21.04.070 OVERLAY ZONING DISTRICTS**

36 **A. General Purpose/Intent**

37 The overlay zoning districts of this section apply in combination with the underlying
38 base zoning districts and impose regulations and standards for specific areas in
39 addition to what is required by the base districts. The requirements of an overlay
40 district shall apply whenever they are in conflict with those in the base district.
41 Variances may not be granted from the overlay district regulations of this section

1 unless specifically provided for in this section. The following overlay districts are
2 established:

- 3 1. Airport Height Overlay District;
- 4 2. Neighborhood Conservation Overlay District; and
- 5 3. Flood Hazard Overlay District.

6 **B. Creation, Alteration, or Elimination of Overlay Districts⁴⁷**

7 The creation, alteration, or elimination of an overlay district is a rezoning and is
8 governed by the provisions of section 21.03.050F., *Rezoning to Create, Alter, or*
9 *Eliminate Overlay Districts.*

10 **C. AHO: Airport Height Overlay District⁴⁸**

11 **1. Purpose**

12 The purpose of the Airport Height Overlay District is to regulate the height of
13 buildings and structures to prevent interference between land uses and air
14 traffic. It is intended to be in accordance with the Federal Aviation
15 Regulations (FAR).

16 **2. Specific Airport Height Maps Adopted**

17 The following airport height zone maps are adopted and thus the referenced
18 areas are located within the Airport Height Overlay District:

- 19 a. The airport height zoning map prepared for the Birchwood Airport in
20 the Municipality (most recently adopted version).
- 21 b. The airport height zoning map prepared for the Girdwood Airport in
22 the Municipality (most recently adopted version).
- 23 c. The airport height zoning map prepared for the Ted Stevens
24 Anchorage International Airport in the Municipality (most recently
25 adopted version).
- 26 d. The Airport Height Zoning Map prepared for the Merrill Field Airport in
27 the Municipality (most recently adopted version).

28 **3. Establishment or Modification**

29 In addition to the standard submittals required to initiate an overlay map
30 amendment pursuant to section 21.03.050F., establishment of an Airport
31 Height Overlay District also shall require preparation of an airport height map
32 as set forth in this section:

- 33 a. The owner or manager of any airport may prepare an airport height
34 map in accordance with the provisions of this subsection and the
35 stipulations of FAR part 77, subpart C, paragraph 77.23(A)(2),
36 77.23(A)(3) or 77.25. The owner or manager of a governmentally
37 operated airport shall prepare and maintain an airport height map in
38 accordance with FAR part 77, subpart C, paragraph 77.25. The map
39 shall be filed with the Department.

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2 b. The map shall be to scale and shall accurately reference the
 following:
- 3 i. Existing subdivisions.
- 4 ii. Current zoning districts.
- 5 iii. Major reference points in the vicinity of the airstrip or airport.
- 6 iv. Existing topography, if available.
- 7 v. The airport elevation that shall be the official elevation of the
8 airport or airstrip upon approval of the map.
- 9 c. The map required by paragraph a. above, shall accurately depict
10 airspace zones as provided in FAR part 77, subpart C, paragraph
11 77.25, in ten-foot conical increments. Before submission to the
12 Department the map shall be certified by the Federal Aviation
13 Administration that it depicts the requirements of FAR part 77, subpart
14 C, paragraph 77.25. If, for safety reasons, zone surfaces deviate in
15 any way from the requirements of the FAR, each such deviation shall
16 be indicated in writing on the map and shall be accompanied by a
17 letter of nonobjection by the Federal Aviation Administration. Any
18 such deviation is subject to approval of the Department.
- 19 d. Before submission to the Department any optional map depicting
20 airspace zones provided in FAR part 77, subpart C, paragraph
21 77.23(A)(2) or 77.23(A)(3), must be certified by the Federal Aviation
22 Administration indicating that it accurately depicts the requirements of
23 FAR part 77, subpart C, subsection 77.23(A)(2) or 77.23(A)(3).
- 24 **4. Additional Height Limitations in Airport Height Overlay District**
25 Notwithstanding the height limitations in section 21.06.010, *Dimensional*
26 *Standards Tables*, all development within the Airport Height Overlay District
27 shall comply with the following height limitations:
- 28 a. No structure shall be constructed or maintained so that it exceeds the
29 greater of:
- 30 i. Thirty-five feet above ground elevation; or
- 31 ii. The maximum height permitted under FAR part 77, subpart
32 C, as depicted on any airport height zone map adopted under
33 section 21.04.070.C., *Airport Height Overlay District*.
- 34 b. Any structure within three nautical miles of an airport reference point
35 established by federal regulation, the height of which exceeds the
36 level of that reference point by more than 200 feet, shall present to
37 the Building Official the results of an airspace determination
38 conducted by the Federal Aviation Administration pursuant to its
39 regulations.

1 c. The height restrictions of this district do not apply to buildings for
2 which building or land use permits were issued prior to June 17,
3 1986.⁴⁹

4 d. Vegetation shall not be affected by the height limitation of this section.

5 **D. NCO: Neighborhood Conservation Overlay District⁵⁰**

6 **1. Purpose**

7 The NCO district is intended to allow neighborhoods throughout the
8 Municipality to protect and preserve distinctive design features and existing
9 character, and to promote new construction that is compatible with existing
10 character. The overlay district is a flexible tool that may be applied to a
11 variety of neighborhoods, each of which is distinguished by its architectural,
12 natural, cultural, or historic attributes. Each NCO district established under
13 this Code will have an adopted Neighborhood Conservation Plan that
14 identifies the character-defining characteristics of that neighborhood.

15 **2. Establishment or Modification⁵¹**

16 Establishment of an NCO district shall include designation of the NCO district
17 by separate ordinance that shall include a map defining the overlay
18 boundaries and an adopted Neighborhood Conservation Plan that shall
19 establish standards and conditions for future development in the district
20 consistent with the purposes of the plan. The Neighborhood Conservation
21 Plan shall be adopted as a component of the Comprehensive Plan (see
22 section 21.01.080, *Comprehensive Plan*).

23 **a. Eligibility Criteria**

24 Areas meeting all of the following minimum criteria may be
25 considered for NCO designation:

26 i. The proposed district includes a minimum area of at least two
27 contiguous acres, including intervening streets and other
28 rights-of-way, and contains at least three separate parcels.

29 ii. At least 75 percent of the land area within the proposed
30 district, not including streets and other rights-of-way, is
31 developed.

32 iii. As of the date of application for designation, at least 50
33 percent of the developed lots contain principal structures that
34 are more than 20 years old.

35 iv. The proposed area has a distinctive character with
36 identifiable attributes, embodied in architecture, use, urban
37 design, or history that make it an integral part of the
38 Municipality's identity.

39 v. The proposed area has a recognized neighborhood identity
40 and a definable physical character that makes the area's
41 conservation important to the Municipality's history or
42 function.

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- b. Determination of Eligibility**
 - i. Requests to establish or modify NCO districts may originate with any interested citizen or citizen group and shall be presented to the Director for consideration. Citizens or groups that request a determination of eligibility are responsible for gathering and preparing the materials necessary to justify whether the neighborhood meets the eligibility criteria.
 - ii. Working with the Director, the Urban Design Commission shall conduct a preliminary consideration of the eligibility of the proposed area based on the criteria set forth in subsection a. above. The Urban Design Commission may conduct informal meetings with residents of the community, seek the advice of preservation professionals and historians, and conduct or receive any preliminary research or studies to assist with its decision regarding eligibility.
- c. Preparation of Neighborhood Conservation Plan**
 - i. If the Urban Design Commission determines that the general area is eligible to become a NCO district, it shall direct the Director to notify the property owners in the proposed area as identified in municipal tax records, through first class mail, that an informational meeting will be conducted and that a task force will be formed to assist the Urban Design Commission in preparing a Neighborhood Conservation Plan for the district. The task force shall be appointed by the Urban Design Commission and be composed of individuals representing various interests in the area under consideration and members of the Urban Design Commission. The Director shall appoint a liaison from the Municipality's staff to serve on the task force.
 - ii. The Neighborhood Conservation Plan shall detail the boundaries of the district, document the history and significance of the area, provide photographs of properties within the area, and present proposed design standards and guidelines for regulating future development in the district.
 - iii. The Urban Design Commission shall review the Neighborhood Conservation Plan, including the proposed boundaries and design guidelines, and shall then vote whether to recommend to the Planning and Zoning Commission that the area be designated an NCO district.
- d. Property Owners' Approval**

Prior to submission to the Planning and Zoning Commission, the Neighborhood Conservation Plan shall be made available for review by all of the owners of parcels in the proposed district. Each property owner shall indicate whether they are for, against, or undecided on the application. If the signature of an owner cannot be obtained, the applicant may substitute a signed affidavit stating that the applicant has attempted in good faith to obtain the signature of the owner but

1 has been unable to do so. Owners of record will be based on
2 currently available municipal assessor's information. At least 51
3 percent of the property owners within the proposed district must
4 approve the application before it may be submitted to the Planning
5 and Zoning Commission for review.

6 e. **Rezoning Process**

7 If the Urban Design Commission recommends designation of the
8 NCO district, and at least 51 percent of the property owners indicate
9 approval, then the Director shall forward the application to the
10 Planning and Zoning Commission for an amendment to include the
11 district on the zoning map. The application shall then be processed
12 according to the general rezoning procedures set forth in section
13 21.03.050C., *General Procedures*.

14 f. **Findings Required**

15 In addition to the general approval criteria applicable to all proposed
16 rezonings, an application for designation of a NCO district may be
17 approved only if the Assembly finds that:

18 i. The district retains the general character and appearance of
19 its original period of development;

20 ii. The district evidences on-going maintenance of existing older
21 buildings and/or there is potential for rehabilitation of existing
22 buildings in the district;

23 iii. There is potential or existing pressures for redevelopment
24 and new infill development in the district;

25 iv. The district exhibits a significant degree of continuity in terms
26 of the built environment, including both sides of the facing
27 block fronts; and

28 v. The proposed development standards are appropriate to
29 protect and preserve the general character and appearance
30 of the district.⁵²

31 g. **Establishment of NCO District**

32 The Assembly shall designate each NCO district by separate
33 ordinance that shall include a map defining the overlay boundaries
34 and an adopted Neighborhood Conservation Plan that shall establish
35 standards and conditions for future development in the district
36 consistent with the purposes of the plan. The Neighborhood
37 Conservation Plan shall be adopted as a component of the
38 Comprehensive Plan (see section 21.01.080, *Comprehensive Plan*).

39 h. **Amendments to Approved Neighborhood Conservation Districts**

40 Any proposal to add or subtract parcels to an adopted NCO District,
41 including the dissolution of the district, or any proposed modification
42 to the development standards in an NCO district, shall be subject to
43 the procedural requirements set forth in this subsection.

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3. Development Application Review⁵³
Applications for development in an approved NCO district shall be reviewed by the regular decision-making body assigned by this code to hear such applications. For example, the Director shall review administrative site plans in an NCO district, and the Urban Design Commission shall review major site plans. Applications shall be reviewed for compliance with the Neighborhood Conservation Plan and associated development standards, in addition to any other applicable requirements of this code.

- 4. Development Standards⁵⁴**
- a. All new development, additions, changes, and expansions to existing structures must comply with the regulations associated with the NCO district.
 - b. Neighborhood Conservation Plans may contain neighborhood design standards related to any of the following issues: location of proposed buildings or additions; uses; height; size; exterior materials; demolition; exterior color; setbacks; lot size/coverage; roof line/pitch; paving; building orientation; relationship of buildings to the streetscape; location of parking; exterior lighting; neighborhood character and compatibility; view preservation of or from specific locations; landscaping and screening; riparian areas, wetland areas, or drainage patterns; and site disturbance.
 - c. In no circumstance shall a Neighborhood Conservation Plan:
 - i. Relax or waive any standard of general applicability in this Code; or
 - ii. Allow uses that are prohibited in the underlying base zoning district.
 - d. When the neighborhood design standards have been approved for an NCO district, each application for a building permit for new construction within that district shall comply with those standards.

E. FHO: Flood Hazard Overlay District⁵⁵

- 1. Purpose and Intent**
The purpose of the Flood Hazard Overlay District is to promote the public health, safety, and general welfare and to minimize loss due to flood. The provisions of this section are intended to be an addition to all other land use regulations and to:
- a. Restrict or prohibit uses and structures that are dangerous to health, safety, or property in time of flood, or that cause increased flood heights or velocities;
 - b. Require that uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection or flood proofing at the time of initial construction;

- 1 c. Minimize the need for rescue and relief efforts associated with
2 flooding and generally undertaken at the expense of the general
3 public;
- 4 d. Minimize prolonged business interruptions;
- 5 e. Minimize damages to public facilities and utilities such as water and
6 gas mains, electric, telephone and sewer lines, streets and bridges
7 located in areas of special flood hazard;
- 8 f. Help maintain a stable tax base by providing for the sound use and
9 development of areas of special flood hazard so as to minimize future
10 flood blight areas;
- 11 g. Ensure that potential buyers are notified that property is in an area of
12 special flood hazard; and
- 13 h. Ensure that those who occupy the areas of special flood hazard
14 assume responsibility for their actions.

15 **2. Interpretation of Section; Disclaimer of Liability**

- 16 a. In the interpretation and application of this section, all provisions shall
17 be:
 - 18 i. Considered as minimum requirements;
 - 19 ii. Liberally construed in favor of the governing body; and
 - 20 iii. Deemed neither to limit nor repeal any other powers granted
21 under state statutes.
- 22 b. The degree of flood protection required by this section is considered
23 reasonable for regulatory purposes and is based on scientific and
24 engineering considerations. Larger floods can and will occur on rare
25 occasions. Flood heights may be increased by manmade or natural
26 causes. This section does not imply that land outside the areas of
27 special flood hazard or uses permitted within such area will be free
28 from flooding or flood damages. This section shall not create liability
29 on the part of the Municipality, any officer or employee thereof, or the
30 Federal Insurance Administration for any flood damages that result
31 from reliance on this section or any administrative decision lawfully
32 made thereunder.

33 **3. Creation of Flood Hazard Overlay District; Official Flood Hazard Reports
34 and Maps**

- 35 a. ***Creation of District; Adoption of Reports and Maps***
36 There is hereby created a Flood Hazard Overlay District. This district
37 shall be defined in its territorial extent by subsection 4. below,
38 "Establishment of Flood Hazard Overlay District," and by the following
39 reports and maps:

- 1 i. Flood Insurance Study for the Municipality of Anchorage,
2 prepared by the Federal Insurance Administration, Federal
3 Emergency Management Agency (FEMA).
- 4 ii. Flood insurance rate map (FIRM) prepared by the Federal
5 Insurance Administration, FEMA.
- 6 iii. Flood boundary and floodway map, prepared by the Federal
7 Insurance Administration, FEMA.
- 8 iv. Flood hazard boundary map (FHBM), prepared by the
9 Federal Insurance Administration, FEMA.

10 The current editions of each of the maps and reports listed in this
11 subsection are made a part of this section. Subsequent maps and
12 reports prepared by the Federal Insurance Administration or the
13 Municipality delineating the Flood Hazard Overlay District, floodway
14 and floodplain areas within the Municipality shall become part of this
15 chapter upon publication. A copy of the reports and maps cited in this
16 subsection shall be on file in the Department. Definitions of terms
17 appearing on the maps and reports appear in 41 CFR 19.09.1.

18 **b. *Review of Maps***
19 In no case will longer than five years elapse without an update and
20 review of the existing flood hazard district maps. The review may be
21 conducted by the Municipality, the U.S. Corps of Engineers, or the
22 Federal Insurance Administration, and any changes or amendments
23 in the boundaries of the flood hazard district, floodway, or floodway
24 fringe area shall then be submitted to the planning and zoning
25 commission and assembly for final adoption as part of this chapter.

26 **c. *Rules for Interpretation of District Boundaries***
27 The boundaries of the floodplain districts established by this chapter
28 shall be determined from the cited maps and reports. Where
29 interpretation is needed as to the exact location of the boundaries, the
30 Department of Project Management and Engineering, upon advice
31 from the U.S. Corps of Engineers, shall make the necessary
32 interpretation.

33 **4. *Establishment of Flood Hazard Overlay District***
34 The area within the limit of the boundary of the base flood, the highest
35 extreme tide, or a designated special hazard area is hereby designated as the
36 Flood Hazard Overlay District. The boundaries of this district are established
37 in accordance with subsection 3. above.

38 **5. *Regulations Applicable to Flood Hazard Overlay District***
39 **a. *Applicability***
40 The regulations within this section shall apply to all areas of the Flood
41 Hazard Overlay District.

42 **b. *Prohibited Development***
43 Any encroachments, new construction, fill, obstructions, substantial
44 improvements and other development or action within the regulatory

1 floodway that would result in any increase in flood levels during the
2 occurrence of a base flood are prohibited.

3 **c. Standards for Issuance of Land Use Permit**

4 No building permits, encroachment permits, manufactured home
5 permits, or other land use permits shall be issued for the construction
6 or placing of a structure within the Flood Hazard Overlay District
7 unless the plans show that, in addition to compliance with all other
8 ordinances, regulations and permit requirements, the structure shall
9 meet the following requirements:

10 i. Prior to final approval of a permit it must be demonstrated
11 that all necessary permits have been received from those
12 governmental agencies from which approval is required by
13 federal or state law, including section 404 of the Federal
14 Water Pollution Control Act amendments of 1972.

15 ii. It must be demonstrated that the structure will be reasonably
16 safe from flooding. If a proposed building site is in a
17 floodplain, all new construction and substantial improvements
18 shall be designed and adequately anchored to prevent
19 flotation, collapse or lateral movement of the structure, be
20 constructed with materials and utility equipment resistant to
21 flood damage, and be constructed by methods and practices
22 that minimize flood damage.

23 iii. The approval of a subdivision application shall require proof
24 that:

25 (A) The proposed construction is consistent with the need to
26 minimize flood damage within the floodplain;

27 (B) All public utilities and facilities such as sewer, gas,
28 electrical and water systems are to be located and
29 constructed to minimize or eliminate flood damage;

30 (C) Adequate drainage is provided to reduce exposure to
31 flood hazards; and

32 (D) Base flood elevation data has been provided for
33 subdivision proposals and other proposed development
34 which contains at least 50 lots or five acres, whichever is
35 less.

36 iv. Construction within floodplains shall require that new and
37 replacement water supply systems be designed to minimize
38 or eliminate infiltration of floodwaters into the systems.

39 v. Construction within floodplains shall require that:

40 (A) New and replacement sewage systems shall be
41 designed to minimize or eliminate infiltration of

1 floodwaters into the systems and discharges from the
2 systems into floodwaters; and

3 (B) On-site waste disposal systems to be located to avoid
4 impairment to them or contamination from them during
5 flooding.

6 d. **Storage of Materials or Equipment**

7 The storage or processing of equipment or materials that are
8 buoyant, flammable, explosive or injurious to safety, or which would
9 cause a violation of state water quality standards upon contact with
10 water, are prohibited.

11 6. **Regulations Applicable to Subdistricts**

12 a. **Floodway Area**

13 Since the floodway is an extremely hazardous area due to the
14 velocity of floodwaters, which carry debris and potential projectiles
15 and have erosion potential, the following provisions apply:

16 i. Permitted uses and structures are parks, parkways,
17 greenbelts, land reserves, golf courses, playgrounds,
18 playfields, and related facilities.

19 ii. Permitted accessory uses and structures are picnic tables,
20 playground equipment, outdoor cooking facilities and like
21 structures.

22 iii. The following structures and activities are permitted only by
23 special flood hazard permit: excavation of sand, gravel and
24 other natural resources, railroad and tramway tracks, streets,
25 bridges, utility installations and pipelines, storage yards for
26 equipment and materials, commercial farming, landfills and
27 land reclamation.

28 iv. The following uses are prohibited: encroachments not
29 otherwise excepted in this section, including fill, new
30 construction, substantial improvements and other
31 development, unless certification by a registered professional
32 engineer or architect is provided demonstrating that such
33 encroachments shall not result in any increase in flood levels
34 during the occurrence of the base flood discharge or result in
35 violation of the state water quality standards. Manufactured
36 homes are prohibited, except as otherwise stated in this
37 section.

38 b. **Floodway Fringe Area**

39 The regulations listed in this subsection are applicable to the
40 floodway fringe area:

41 i. Permitted uses and structures are parks, parkways,
42 greenbelts, land reserves, golf courses, playgrounds,
43 playfields and related facilities.

1 reconstruction or improvement has commenced; and for
2 manufactured homes not placed in a manufactured home
3 park or manufactured home subdivision, require that the
4 repair, and on all property not within a manufactured home
5 park or subdivision stands or lots are elevated on compacted
6 fill or on pilings so that:

7 (A) The lowest floor of each manufactured home must be at
8 or above the base flood level.

9 (B) Adequate surface drainage and access for a hauler must
10 be provided.

11 (C) For manufactured homes placed on pilings, pilings must
12 be stable and no more than ten feet apart and reinforced
13 if more than six feet above the ground level.

14 (D) Lots must be large enough to permit steps.

15 vi. All manufactured homes to be placed or substantially
16 improved within zones A1-30, AH and AE shall be elevated
17 on a permanent foundation such that the lowest floor of the
18 manufactured home is at or above the base flood elevation,
19 and be securely anchored to an adequately anchored
20 foundation system.

21 vii. All manufactured homes must likewise be anchored to
22 prevent flotation, collapse or lateral movement, and shall be
23 installed using methods and practices that minimize flood
24 damage. Anchoring methods may include but are not limited
25 to use of over-the-top or frame ties to ground anchors.

26 b. **Standards for Shallow Flood Areas (AO Zones)**

27 Shallow flooding areas appear on the Flood Insurance Rate Maps as
28 AO zones with depth designations. The base flood depths in these
29 zones range from one to three feet where a clearly defined channel
30 does not exist, or where the path of flooding is unpredictable and
31 where velocity flow may be evident. Such flooding is usually
32 characterized as sheet flow. In these areas, the following provisions
33 apply:

34 i. New construction and substantial improvements of residential
35 structures within AO zones shall have the lowest floor,
36 including basement, elevated above the highest adjacent
37 grade of the building site, to or above the depth number
38 specified on the Flood Insurance Rate Map (at least two feet
39 if no depth number is specified).

40 ii. New construction and substantial improvements of
41 nonresidential structures within AO zones shall either:

42 (A) Have the lowest floor, including basement, elevated
43 above the highest adjacent grade of the building site, or

1 to or above the depth number specified on the Flood
2 Insurance Rate Map (at least two feet if no depth
3 number is specified); or

4 (B) Together with attendant utility and sanitary facilities, be
5 completely floodproofed to or above that level so that
6 any space below that level is watertight with walls
7 substantially impermeable to the passage of water and
8 with structural components having the capability of
9 resisting hydrostatic and hydrodynamic loads and effects
10 of buoyancy. If this method is used, compliance shall be
11 certified by a registered professional engineer or
12 architect.

13 iii. Adequate drainage paths are required around structures on
14 slopes to guide floodwaters around and away from proposed
15 structures.

16 c. **Standards for Zone A99**

17 All construction in areas designated on the flood insurance rate map
18 as zone A99 shall meet all requirements of subsections a. and b. of
19 this section.

20 8. **Special Flood Hazard Permit**

21 a. **Required**

22 No person shall engage in development within the Flood Hazard
23 Overlay District unless a special flood hazard permit is first issued,
24 pursuant to section 21.03.100, *Special Flood Hazard Permits*.

25 b. **Conditions**

26 Special conditions may be attached as a condition to the issuance of
27 a special flood hazard permit. Conditions shall include any
28 floodproofing measures deemed necessary by the issuing official to
29 further the purposes of this chapter. Floodproofing measures may
30 include requirements that:

31 i. The finished surface of the first or main floor shall be at least
32 one foot above the level of the regulatory flood protection
33 elevation.

34 ii. Structures or uses below the level of the regulatory flood shall
35 be restricted to those not involving habitual human habitation,
36 such as working space, living space, sleeping space, etc.

37 iii. The anchorage shall be suitable to resist flotation and lateral
38 movement.

39 iv. For all construction and substantial improvements, fully
40 enclosed areas below the lowest floor that are subject to
41 flooding shall be designed to automatically equalize
42 hydrostatic flood forces on exterior walls by allowing for the
43 entry and exits of floodwaters. Designs for meeting this
44 requirement must either be certified by a registered

1 professional engineer or architect or must meet or exceed the
2 following minimum criteria: A minimum of two openings
3 having a total net area of not less than one square inch for
4 every square foot of enclosed area subject to flooding shall
5 be provided. The bottom of all openings shall be no higher
6 than one foot above grade. Openings may be equipped with
7 screens, louvers or other coverings or devices provided that
8 they permit the automatic entry and exits of floodwaters.

9 v. All areas below the level of the regulatory flood protection
10 levels shall be coated with paint, membranes, or mortars
11 substantially impermeable to the passage of water.

12 vi. Water supply and waste treatment systems must prevent
13 infiltration of water.

14 vii. All interior drains must be connected to the sanitary sewer
15 system.

16 **9. Nonconforming Uses**

17 A structure or the use of a structure or premises located within the Flood
18 Hazard Overlay District that was lawful before the original passage of
19 applicable regulations, but that is not in conformity of the provisions of such
20 regulations, may be continued subject to the following conditions:

21 a. No such use shall be expanded, changed, enlarged, or altered in any
22 way which increases its nonconformity with respect to the provisions
23 of this chapter.

24 b. No repair, alteration, or addition shall be made to any nonconforming
25 structure if the value of such repair, alteration, or addition shall
26 exceed 50 percent of the value of the structure at the time of its
27 becoming a nonconforming use unless the structure is permanently
28 changed to a conforming use.

29 c. If such use is discontinued for 12 consecutive months, any future use
30 of the structure or premises shall conform to this chapter.

31 d. Uses or adjuncts thereof which are or have become nuisances shall
32 not be entitled to continuance as nonconforming uses.

33 e. Any permitted alteration, addition, or repair to any nonconforming
34 structure the cost of which equals or exceeds 50 percent of the fair
35 market value of the structure which would result in substantially
36 increasing the flood damage potential shall be adequately
37 floodproofed in accordance with subsection 8.

38 **10. Duties of the Director of the Department of Project Management and**
39 **Engineering⁵⁶**

40 a. The Director of the Department of Project Management and
41 Engineering shall grant or deny development permit applications in
42 accordance with the provisions of this chapter, except that the platting

1 board is directed and authorized to consider this chapter in relation to
2 any matter brought before that board.

3 **b.** The Director of the Department of Project Management and
4 Engineering shall maintain all records required by the Federal
5 Insurance Administration and shall file an annual report with the
6 federal insurance administrator. Form OMB 64-R1546 shall be used
7 in accordance with 41 CFR 1909.22(b)(3)

8 **c.** Additional duties and responsibilities of the Director of the
9 Department of Project Management and Engineering are as follows:

10 **i.** *Permit Review*
11 The Director of the Department of Project Management and
12 Engineering shall:

13 **(A)** Review all flood hazard permits to determine that the
14 permit requirements of this chapter have been satisfied.

15 **(B)** Review all flood hazard permits to determine that all
16 necessary permits have been obtained from those
17 federal, state, or local governmental agencies from
18 which prior approval is required.

19 **(C)** Review all flood hazard permits to determine if the
20 proposed development is located in the floodway, and, if
21 located in the floodway, ensure that the encroachment
22 provisions of subsection 6.a. above are met.

23 **ii.** *Use of Other Base Flood Data*
24 When base flood elevation data have not been provided in
25 accordance with subsection 2. above, the Director of the
26 Department of Project Management and Engineering shall
27 obtain, review and reasonably utilize any base flood elevation
28 data available from a federal, state or other source in order to
29 administer subsections 6. through 9. above.

30 **iii.** *Information to be Obtained and Maintained*
31 The Director of the Department of Project Management and
32 Engineering shall:

33 **(A)** Obtain and record the actual elevation, in relation to
34 mean sea level, of the lowest habitable floor, including
35 basement, of all new or substantially improved
36 structures, and whether or not the structure contains a
37 basement.

38 **(B)** For all new or substantially improved floodproofed
39 structures:

40 **(1)** Verify and record the actual elevation, in relation
41 to mean sea level; and

- 1 (2) Maintain the floodproofing certifications required
2 in subsection 7.a.4. above.
- 3 (3) Maintain for public inspection all records
4 pertaining to the provisions of this section.
- 5 iv. *Duties Regarding Alteration of Watercourses*
6 The Director of the Department of Project Management and
7 Engineering shall:
- 8 (A) Notify adjacent communities and the state coordinating
9 agency prior to any alteration or relocation of a
10 watercourse and submit evidence of such notification to
11 the Federal Insurance Administration.
- 12 (B) Require that maintenance is provided within the altered
13 or relocated portion of the watercourse so that the flood-
14 carrying capacity is not diminished.
- 15 v. *Interpretation of FIRM Boundaries*
16 The Director of the Department of Project Management and
17 Engineering shall make interpretations, where needed, as to
18 exact location of the boundaries of the areas of special flood
19 hazard, for example, where there appears to be a conflict
20 between a mapped boundary and actual field conditions. The
21 person contesting the location of the boundary shall be given
22 a reasonable opportunity to appeal the interpretation as
23 provided in subsection 11. below.
- 24 11. **Appeal Procedure**
25 Appeals alleging error by the Director of the Department of Project
26 Management and Engineering charged with the enforcement or interpretation
27 of this chapter may be taken to the Zoning Board of Examiners and Appeals
28 in accordance with the provisions of section 21.03.210, *Appeals*.
- 29 12. **Standards and Conditions for Variances and Appeals**
30 a. In passing upon variances or appeals, the Zoning Board of Examiners
31 and Appeals shall consider all technical evaluations, all relevant
32 factors, standards specified in other sections of this section and:
- 33 i. The danger that materials may be swept onto other lands to
34 the injury of others;
- 35 ii. The danger to life and property due to flooding or erosion
36 damage;
- 37 iii. The susceptibility of the proposed facility and its contents to
38 flood damage and the effect of such damage on the individual
39 owner;
- 40 iv. The importance of the services provided by the proposed
41 facility to the community;

- 1 v. The necessity of the facility of a waterfront location, where
2 applicable;
- 3 vi. The availability of alternative locations for the proposed use
4 which are not subject to flooding or erosion damage;
- 5 vii. The compatibility of the proposed use with existing and
6 anticipated development;
- 7 viii. The relationship of the proposed use to the comprehensive
8 plan and floodplain management program for that area;
- 9 ix. The safety of access to the property in time of flood for
10 ordinary and emergency vehicles;
- 11 x. The expected heights, velocity, duration, rate of rise and
12 sediment transport of the floodwaters and the effects of wave
13 action, if applicable, expected at the site; and
- 14 xi. The costs of providing governmental services during and after
15 flood conditions, including maintenance and repair of public
16 utilities and facilities such as sewer, gas, electrical and water
17 systems and streets and bridges.
- 18 b. Generally, variances may be issued for new construction and
19 substantial improvements to be erected on a lot of one-half acre or
20 less in size contiguous to and surrounded by lots with existing
21 structures constructed below the base flood level, providing the items
22 in subsections a.i through xi. of this section have been fully
23 considered. As the lot size increases beyond one-half acre, the
24 technical justification required for issuing the variance increases.
- 25 c. The Zoning Board of Examiners and Appeals may attach such
26 conditions to the granting of variances or appeals as it deems
27 necessary to further the purposes of this chapter.
- 28 d. The Director of the Department of Project Management and
29 Engineering shall maintain the records of all variance and appeal
30 actions and report any variances to the Federal Insurance
31 Administration upon request.
- 32 e. Conditions for variances are as follows:
- 33 i. Variances may be issued for the reconstruction, rehabilitation,
34 or restoration of structures listed on the National Register of
35 Historic Places or the state inventory of historic places,
36 without regard to the procedures set forth in the remainder of
37 this section.
- 38 ii. Variances shall not be issued within any designated floodway
39 if any increase in flood levels during the basic flood discharge
40 would result.

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- iii. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - iv. Variances shall only be issued upon:
 - (A) A showing of good and sufficient cause;
 - (B) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (C) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - v. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

¹ 2005 NOTE: There have been numerous major and minor text edits throughout this chapter to the general purpose statements, the district purpose statements, and some district names. Because of the volume of edits, all specific text changes are not individually tracked with footnotes, though major changes are noted.

² NOTE: This is a proposed consolidation of the existing R-1 and R-1A districts. The only distinction between the two districts in the current code is that R-1 has a smaller minimum lot size (6,000 square feet, versus 8,400 square feet in the R-1A district), and a smaller minimum lot width requirement (50 feet, versus 70 feet in R-1A). Further discussion is needed about the appropriate lot size and lot width in this new district. For discussion purposes, we propose using the lower minimum requirements to avoid making existing properties nonconforming. Staff agrees with this proposal.

³ NOTE: This is a proposed consolidation of the existing R-2A and R-2D districts. As with the proposed consolidation of the existing R-1 and R-1A districts, we propose using the lower minimum requirements to avoid making existing properties nonconforming. Staff agrees with this proposal.

⁴ NOTE: This district is based on the existing R-2M district. Based on *Anchorage 2020*, this district is intended to provide some neighborhoods with a greater diversity of housing by allowing a mix of dwelling types (single-family, two-family, and multi-family structures).

⁵ 2005 NOTE: The requirements for a mix of housing types have been removed per numerous comments and replaced with a suggested new incentive for a mix of housing types.

⁶ NOTE: This district is a proposed consolidation of the existing R-3 and R-4 districts, which are very similar in the current code.

⁷ NOTE: This is the existing R-5A district, but a new name is proposed for simplicity.

⁸ NOTE: This is the existing R-6 district. In the draft of chapter 21.06, the lot size and width have been revised to eliminate the need to include dedicated rights-of-way.

⁹ 2005 NOTE: This is the existing R-7 district. It originally proposed for elimination in the title 21 rewrite project, but now is proposed to be carried forward in its current form in response to numerous comments.

¹⁰ NOTE: This is the existing R-9 district; the existing R-8 district is proposed to be consolidated into this district.

¹¹ 2005 NOTE: The lot and site requirements have been relocated here from the prior version of chapter 21.06. This is the existing R-10 district.

¹² 2005 NOTE: Two comments on this provision (which is carried forward from the current code) ask whether this could be interpreted as a requirement to perform soil analysis to determine the presence of earthquake hazards. We are not aware of the Municipality enforcing this current provision in such a way, and are not aware of any plans to institute such a policy. Such a requirement, if implemented, should be in the form of a standard and not contained in a purpose statement.

¹³ 2005 NOTE: Two comments both questioned this table, believing it to be a new approach and asking whether the new title 21 would provide for "grandfather rights for people who purchased under existing rules." This does contain the existing rules – the only substantive change proposed is a change in the 2005 draft to consolidate the rules for slopes of 20.00 percent or less.

¹⁴ 2005 NOTE: This is a suggested new name for what was called the GC district in the prior draft. The proposed new name is intended to emphasize the district's focus on auto-dependent uses. OLD NOTE: This district is based loosely on the existing B-3 district. However, as discussed in the Diagnosis and Annotated Outline, the title 21 rewrite project will attempt to rein in the B-3 by creating a new set of mixed-use districts that are more suitable for higher-density commercial development. New commercial design standards will help mitigate the visual impacts of commercial development in this district on surrounding neighborhoods. A new height limit also will help limit large-scale commercial development. In addition, as part of a comprehensive remapping that may occur following adoption of the new title 21, the existing B-3 zoning should be restricted in its application.

¹⁵ 2005 NOTE: Names changed in the 2005 draft for the three downtown districts. All requirements relating to the CBD districts are otherwise unchanged from the current code. The Municipality is undertaking a new downtown plan and will update the downtown zoning as part of a separate project.

¹⁶ 2005 NOTE: Several comments complained about these existing requirements, noting that they would prohibit some current Anchorage buildings (like the ACVB and the Performing Arts Center). In response, we propose removing several items from the prior list, including offices, education centers, and business service establishments. Again, the intent is simply to encourage more pedestrian-friendly retail at the street level.

¹⁷ 2005 NOTE: This material, from the existing code, has been relocated here from the dimensional standards chapter, where it was in the prior draft.

¹⁸ NOTE: Staff notes that recent projects under this section have had plazas, but have not increased solar access or scenic views.

¹⁹ NOTE: This is carried forward from the existing chapter 21.40, "Zoning Districts," with no substantive changes. There is a new summary table consolidating bonus point information in one place. Because the downtown districts are not a central focus of this project, we have heard little input on how well this existing material is working. Some modest tweaks to the system may be possible now, but more likely the entire system should be reevaluated as part of the new downtown planning and zoning effort.

²⁰ NOTE: Staff recommends reducing the bonus points for skywalks from the current 30 to 10.

²¹ 2005 NOTE: We have attempted to fill in the cross-references of this subsection, but staff should check all cross-references in this section for accuracy. The final sentence in this subsection is new, based on the following note. OLD NOTE: Regarding this existing provision, staff notes: "The extent of this transferable right ("the amount of building square footage permitted on that lot under subsection B. of this section, less the amount allowed under this subsection I") should be determined and a letter recorded against the property. As building area is transferred from one lot to another, documents detailing the transfer should be recorded against both properties. Please make this record-keeping a requirement."

²² 2005 NOTE: The "alternatives analysis" requirement from the existing code has been removed. OLD NOTE: This is the existing MC district. Standards are based on the existing 21.50.290 "Conditional use standards--Marine commercial and marine industrial facilities."

²³ 2005 NOTE: New district in the 2005 draft.

²⁴ NOTE: It will be important to create a level playing field so that the mixed-use districts are a viable development option compared to the other districts. We should not create any procedures, use lists, or development standards that are so restrictive that they discourage development in the mixed-use districts. To that end, this draft suggests that the majority of the uses in the mixed-use district be approved through site plan review.

²⁵ 2005 NOTE: An alternative to restricting the size of individual businesses, yet still keep the district at a pedestrian scale, would be to enact a maximum building footprint size.

²⁶ 2005 NOTE: This is based on the C-1 district from the previous draft. OLD NOTE: Per discussions with staff, the existing B-1B district has been eliminated, and the existing B-1A district is retained here and renamed C-1.

²⁷ 2005 NOTE: An alternative to restricting the size of individual businesses, yet still keep the district at a pedestrian scale, would be to enact a maximum building footprint size.

²⁸ 2005 NOTE: This was just called the NMU district in the prior draft.

²⁹ 2005 NOTE: Examples of where this district might apply are the Muldoon town center and the Abbott town center.

³⁰ 2005 NOTE: An example of where this district might apply is the Dimond Center area.

³¹ 2005 NOTE: New district in the 2005 draft. Is there a formal definition of the "Midtown area"?

³² 2005 NOTE: This material was presented along with module 3 (the development standards) in the prior draft. OLD NOTE: Such standards may be used to ensure that new development is high quality and crafted to implement the goals of *Anchorage 2020*. Echoing an earlier point, it will important to ensure that the standards are not so stringent that they discourage development in the mixed-use districts.

³³ NOTE: Additional discussion necessary as to what types of public focus areas would be desirable and would satisfy the requirement.

³⁴ NOTE: This section includes an example of a menu-based standard. This type of flexible regulation could be appropriate in Anchorage for a variety of design-related regulations.

³⁵ 2005 NOTE: New district in the 2005 draft.

³⁶ NOTE: This district is based on the existing I-1 district. Based on extensive feedback from the community suggesting that this district is being used too often for commercial development, we removed the reference allowing commercial uses that support industrial uses. The use table in 21.05 contains a narrower list of commercial uses allowed in this district.

³⁷ NOTE: This district is based on the existing I-2 district. Just as was done with the I-1 district, the reference that allowed "uses generally permitted in commercial districts" was deleted.

³⁸ 2005 NOTE: The "alternatives analysis" requirement from the existing code has been removed. OLD NOTE: This is the existing MI district.

³⁹ 2005 NOTE: There is continuing, strong disagreement regarding the need for and purpose of this district, with state and airport personnel saying that state-owned airports are not subject to local planning and zoning. The topic must be discussed further by municipal and state officials. OLD NOTE: This draft Airport Development (AD) District is based on staff's December 1997 proposed ordinance, as well as comments on that ordinance from a January 5, 1998, meeting, and a December 1997 memo from Tom Nelson. It is anticipated that this AD district may undergo changes after the resolution of the jurisdictional issues between the State of Alaska and MOA. Nevertheless, as drafted, the draft district can provide a structure for further discussion. We have integrated the 1997 draft district into the appropriate places in this module. The intent statement is here, and most uses have been added to the use table in chapter 21.05. Some uses from the 1997 draft ("Camper parks," "liquor stores," "cold storage and processing facilities for fish" and "incinerator facilities") were removed in accordance with suggestions made by the commentators. A use-specific standard was also added to chapter 21.05 for "Airport."

⁴⁰ 2005 NOTE: To clarify, this existing AF district is not the only place in the municipality in which towers could go. However, there are new standards in chapter 21.05 to help soften the visual impacts of new towers, wherever they are approved. OLD NOTE: This is the existing AF district.

⁴¹ 2005 NOTE: Numerous comments requested clarification on the intended nature of this new district, and specifically its relationship to the PLI district (and now the new parks district). Note that open lands have been removed from the PLI district. Also, the new land use plan map should help clarify the intended function of this new district. OLD NOTE: This is a new district suggested by staff to function as a development reserve area.

⁴² 2005 NOTE: This is based on the existing PLI district. However, the intention is to focus remove most utility and industrial-type uses from the district and place them into industrial zones. The language about reserving lands has been removed from the purpose statement, to reduce confusion with the new OL district.

⁴³ 2005 NOTE: New district in the 2005 draft.

⁴⁴ NOTE: This is the existing R-11 district. Girdwood will be removed from the R-11 district and the new Girdwood zones will be in the new chapter 21.09, *Girdwood*.

⁴⁵ 2005 NOTE: This commercial section now contains language exactly from the current code. NOTE: This set of requirements is very confusing in the current code and it is not clear what thresholds apply to commercial development.

⁴⁶ NOTE: This is the existing W district. However, rather than keeping the current open-ended authorization for any type of conditional use, a limited number of possible conditional uses have been identified in the use table in 21.05.

⁴⁷ NOTE: The current section 21.20.140, "Overlay District Amendments," has been folded into the new chapter 21-3. This change was made following initial public review of chapter 21-3.

⁴⁸ NOTE: This district is based on the existing "Airport Height Zoning Regulations" of chapter 21.65.

⁴⁹ 2005 NOTE: HBA asks if this provision applies also to undeveloped property. We are unsure of the answer (or the origin of the 1986 date) and will discuss further with staff.

⁵⁰ 2005 NOTE: Purpose statement rewritten for clarity in response to several comments. OLD NOTE: This is a new district. A conservation district is a **voluntary** tool that may be used to preserve a neighborhood's unique features. For the district to be applied, specific design regulations would need to be developed for each area, and such regulations could be located elsewhere in

title 21 (probably in chapter 21.07, *Development and Design Standards*) or could be maintained by staff outside of title 21. Unlike preservation districts, which can be relatively restrictive and involve special review procedures and bodies, conservation districts can be strict or relatively loose depending on the neighborhood and how much regulation it wants to impose upon itself. Generally such districts are more flexible than preservation districts and only regulate a few specific design attributes, such as porch placement or setbacks.

⁵¹ NOTE: The final approval for establishing the NCO has to be the Assembly, since it is a rezoning. However, an outstanding issue to be discussed is what body reviews the NCO proposals and makes a recommendation to the Assembly. Options include the Planning Commission (which makes recommendations on all other rezonings), or the Urban Design Commission (which would fulfill the desire to give that body a more substantive role), or perhaps both of these bodies. The current draft has the UDC make a recommendation to P&Z, which then recommends to the Assembly (this would allow the P&Z to overrule the UDC in cases of disagreement).

⁵² 2005 NOTE: This last criterion is new in the 2005 draft.

⁵³ 2005 NOTE: For simplicity, this draft section removes the 50% threshold requirement that was in the previous code, and just has the applications being heard by the regular decision-maker.

⁵⁴ 2005 NOTE: Item c. in this list is new in the 2005 draft. OLD NOTE: These draft development standards simply list the types of standards that may be regulated in an NCO district, but there are no general standards applicable to all NCO districts. In other words, a new set of neighborhood-specific standards would need to be developed each time a new NCO district is proposed.

⁵⁵ NOTE: This section carries forward the existing regulations from chapter 21.60, "Flood Plain Regulations."

⁵⁶ 2005 NOTE: The term "administrative agent" has been replaced throughout this section.